

111TH CONGRESS  
1ST SESSION

# H. R. 2822

To help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2009

Mr. JOHNSON of Georgia (for himself, Ms. JACKSON-LEE of Texas, and Mr. GRAYSON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Public Corruption  
5       Prosecution Improvements Act”.

6       **SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SE-**  
7       **RIOUS PUBLIC CORRUPTION OFFENSES.**

8       (a) IN GENERAL.—Chapter 213 of title 18, United  
9       States Code, is amended by adding at the end the fol-  
10      lowing:

1 **“§ 3300. Corruption offenses**

2 “No person shall be prosecuted, tried, or punished  
3 for a violation of, or a conspiracy or an attempt to vio-  
4 late—

5 “(1) section 201 or 666;

6 “(2) section 1341 or 1343, when charged in  
7 conjunction with section 1346 and where the offense  
8 involves a scheme or artifice to deprive another of  
9 the intangible right of honest services of a public of-  
10 ficial;

11 “(3) section 1951, if the offense involves extor-  
12 tion under color of official right;

13 “(4) section 1952, to the extent that the unlaw-  
14 ful activity involves bribery; or

15 “(5) section 1962 to the extent that the racket-  
16 eering activity involves—

17 “(A) bribery chargeable under State law;

18 or

19 “(B) a violation of—

20 “(i) section 201 or 666;

21 “(ii) section 1341 or 1343, when  
22 charged in conjunction with section 1346  
23 and where the offense involves a scheme or  
24 artifice to deprive another of the intangible  
25 right of honest services of a public official;  
26 or

1 “(iii) section 1951, if the offense in-  
 2 volves extortion under color of official  
 3 right;  
 4 unless an indictment is returned or the information is filed  
 5 within 6 years after the commission of the offense.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
 7 at the beginning of chapter 213 of title 18, United States  
 8 Code, is amended by adding at the end the following:

“3300. Corruption offenses.”.

9 (c) APPLICATION OF AMENDMENT.—The amend-  
 10 ments made by this section shall not apply to any offense  
 11 committed before the date of enactment of this Act.

12 **SEC. 3. THEFT OR BRIBERY CONCERNING PROGRAMS RE-**  
 13 **CEIVING FEDERAL FINANCIAL ASSISTANCE.**

14 Section 666(a) of title 18, United States Code, is  
 15 amended—

16 (1) in paragraph (1)(B), by striking “of  
 17 \$5,000” and inserting “of \$1,000”; and

18 (2) in paragraph (2), by striking “\$5,000” and  
 19 inserting “\$1,000”.

20 **SEC. 4. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF**  
 21 **PUBLIC MONEY OFFENSE.**

22 Section 641 of title 18, United States Code, is  
 23 amended by inserting “the District of Columbia or” before  
 24 “the United States” each place that term appears.

1 **SEC. 5. ADDITIONAL RICO AND MONEYLAUNDERING PREDI-**  
2 **CATES.**

3 (a) RICO.—Section 1961(1) of title 18, United States  
4 Code, is amended—

5 (1) by inserting “section 641 (relating to em-  
6 bezzlement or theft of public money, property, or  
7 records),” after “473 (relating to counterfeiting),”;  
8 and

9 (2) by inserting “section 666 (relating to theft  
10 or bribery concerning programs receiving Federal  
11 funds),” after “section 664 (relating to embezzle-  
12 ment from pension and welfare funds),”.

13 (b) MONEYLAUNDERING.—Section 1956(c)(7)(D) of  
14 title 18, United States Code, is amended—

15 (1) by striking “section 641 (relating to public  
16 money, property, or records),”; and

17 (2) by striking “section 666 (relating to theft  
18 or bribery concerning programs receiving Federal  
19 funds),”.

20 **SEC. 6. ADDITIONAL WIRETAP PREDICATES.**

21 Section 2516(1)(c) of title 18, United States Code,  
22 is amended by inserting “section 641 (relating to embez-  
23 zlement or theft of public money, property, or records),  
24 section 666 (relating to theft or bribery concerning pro-  
25 grams receiving Federal funds),” after “section 224 (brib-  
26 ery in sporting contests),”.

1 **SEC. 7. CLARIFICATION OF CRIME OF ILLEGAL GRATU-**  
2 **ITIES.**

3 (a) DEFINITION.—Section 201(a) of title 18, United  
4 states Code, is amended—

5 (1) in paragraph (2), by striking “and” after  
6 the semicolon;

7 (2) in paragraph (3), by striking the period and  
8 inserting “; and”; and

9 (3) by inserting at the end the following:

10 “(4) the term ‘rule or regulation’ means a Fed-  
11 eral regulation or a rule of the House of Representa-  
12 tives or the Senate, including those rules and regula-  
13 tions governing the acceptance of campaign con-  
14 tributions.”.

15 (b) CLARIFICATION.—Section 201(c)(1) of title 18,  
16 United States Code, is amended—

17 (1) by striking the matter before subparagraph  
18 (A) and inserting “otherwise than as provided by  
19 law for the proper discharge of official duty, or by  
20 rule or regulation—”;

21 (2) in subparagraph (A), by inserting after “,  
22 or person selected to be a public official,” the fol-  
23 lowing: “for or because of the official’s or person’s  
24 official position,”; and

25 (3) in subparagraph (B)—

1 (A) by striking “otherwise than as pro-  
2 vided by law for the proper discharge of official  
3 duty,”; and

4 (B) by striking all after “anything of value  
5 personally” and inserting “for or because of the  
6 official’s or person’s official position, or for or  
7 because of any official act performed or to be  
8 performed by such official or person;”.

9 **SEC. 8. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.**

10 Section 201(a)(3) of title 18, United States Code, is  
11 amended to read as follows:

12 “(3) the term ‘official act’—

13 “(A) means any action within the range of  
14 official duty, and any decision or action on any  
15 question, matter, cause, suit, proceeding or con-  
16 troversy, which may at any time be pending, or  
17 which may by law be brought before any public  
18 official, in such public official’s official capacity  
19 or in such official’s place of trust or profit; and

20 “(B) may be a single act, more than one  
21 act, or a course of conduct; and”.

1 **SEC. 9. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**  
2 **INVESTIGATE AND PROSECUTE PUBLIC COR-**  
3 **RUPTION OFFENSES.**

4       There are authorized to be appropriated to the De-  
5 partment of Justice, including the United States Attor-  
6 neys' Offices, the Federal Bureau of Investigation, and the  
7 Public Integrity Section of the Criminal Division,  
8 \$25,000,000 for each of the fiscal years 2010, 2011, 2012,  
9 and 2013, to increase the number of personnel to inves-  
10 tigate and prosecute public corruption offenses including  
11 sections 201, 203 through 209, 641, 654, 666, 1001,  
12 1341, 1343, 1346, and 1951 of title 18, United States  
13 Code.

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